

EXHIBIT B

Brakebill, Ken W.

From: David Marriott [DMarriott@cravath.com]
Sent: February 08, 2006 2:18 PM
To: Brakebill, Ken W.
Cc: enormand@bsflp.com
Subject: Re: IBM Confidential Information



winmail.dat (2 KB)

Ken,

IBM is willing to grant Novell access to depositions, deposition exhibits; under-seal briefings and discovery responses (including SCO's interim and final disclosures) on an attorneys-eyes only basis on the condition these material will be used only for the purpose of SCO's litigations with IBM and Novell. If Novell would like access to a broader set of materials, please let me know and I will raise the matter with IBM.

Regards,

Dave

"Brakebill, Ken
W."
<KBrakebill@mofo.
com> dmariott@cravath.com
To
cc
02/07/2006 11:05 enormand@bsflp.com
PM Subject
IBM Confidential Information

Dave:

In connection with the SCO v. Novell case, SCO's counsel told us that they sought but did not receive permission from IBM to produce IBM confidential information from the SCO v. IBM case. We were asked to follow up directly with you on this subject. Could you please confirm that IBM authorizes Novell to have attorneys-eyes only access to IBM's confidential materials in the SCO v. IBM case, including document productions, depositions and deposition exhibits, under-seal briefings, and discovery responses, so that SCO may produce these materials to Novell right away?

Thanks very much.

-Ken

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